DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

FILE NUMBER:

Galveston

D18114/01

REGULATORY PROJECT MAI	NAGER:	Johnson_	_			_	Date:		10/19/2006
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:	•				Date:		10/19/2006
			At the Project	t Site	YES		Date:		2/23/2006
PROJECT LOCATION INFORM	MATION:						Texas		
County:							Chambers		
Center Coordinates of S	Site by Lati	tude & Long	gitudinal C	coordinates	s:		29° 42' 37'	'N, 94° 55' 2 <mark>2</mark> '	'W
Approximate Size of Sit Name of Waterway or W		(Including	Uplands &	In Acres):			280 ac Cedar Bay	rou	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		XXXXXXX							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake								_	
Vernal Pool									
Natural Pond									
Other Water (Identify Type)	-								
1 Check appropriate boxes tha	t hast das	cribe type c	f isolated	non-navig	able intra-	state water	nresent a	nd hest	
estimate for size for non-jur	isdictional	aquatic res	ource area	a.	ubic, ilitiu-	Juic Water	presental	ia best	
Migratory Bird Rule Factors ¹ :					nown		ı	f Unknown	
						1	Jse Best P	rofessional J	udgment
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make Determination
Is or would be used as habitated Migratory Bird Treaties?									xxx
Is or would be used as habitations state lines?	t by other	migratory b	irds that						XXX
Is or would be used as habita	t for endan	gered spec	ies?						XXX
Is used to irrigate crops sold						_		_	XXX
¹ Check appropriate boxes that	at best des	cribe poten	tial for app	olicability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
isolated, non-navigable, intra-	state aqua	inc resource	aied.						
TYPE OF DETERMINATION:					ry		Approved		
navigation or interstate comm	nerce conn							no hydrologic	

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:			=	CESW0 D-19094	G-PE-RCC						
REGULATORY PROJECT	MANAGE	R:	_	John W	ong		Date: 19 Oct. 2006				
PROJECT REVIEW/DETE	RMINATI	ON COM	PLETED		the office project site <u>Y</u>		ate: <u>5 Oct</u>	2006 ep 2002, Ma	ar 2003		
PROJECT LOCATION INF	ORMATI	ON:									
State:						<u>Texa</u>					
County:						Nue					
Center coordinates						<u>27-2</u>	3- <u>50/97-13</u> -	22	_		
Approximate size o			iding upl	ands & in a	cres):	3.6 a	cres				
Name of waterway	or watersh	ed:				Laguna	Madre/Gu	lf of Mexico)		
SITE CONDITIONS:				1.5.40	1000	1		1			
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown		
Lake											
River											
Stream											
Dry Wash											
Mudflat											
Sandflat											
Wetlands			X								
Slough											
Prairie pothole											
Wet meadow											
Playa lake											
Vernal pool											
Natural pond											
Other water (identify type)	-										
¹ Check appropriate boxes that b jurisdictional aquatic resource a	est describe rea.	type of iso	lated, non	-navigable, i	ntra-state wat	ter present an	d best estim	ate for size of	non-		

Migratory Bird Rule Factors ¹ :	If K	nown	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
Is or would be used as habitat by other migratory birds that cross state lines?			X		_			
Is or would be used as habitat for endangered species?		X						
Is used to irrigate crops sold in interstate commerce?		X						
¹ Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	cability of t	he Migrator	y Bird Rule to	apply to onsite, non-	jurisdictional, isolated,			

TYPE OF DETERMINATION:

DN:	Preliminary	Or	Approved X .

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	1				_			
FILE NUMBER:	D18781					-			
REGULATORY PROJECT MA	NAGER:	Johnson				_	Date:		10/26/200
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	: Desk top				Date:		10/26/200
			•	t Site	YES		Date:		8/30/200
			•						
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:	D14 - 1 1 - 4		. 14	N -			Harris	N 058 001 041	
Center Coordinates of S Approximate Size of Si							140 ac	'N, 95° 02' <u>24</u> '	<u></u>
Name of Waterway or V		(including	Opianus &	illi Acies).	ı		North Galv	eston Ray	
Nume of Water way or V	rator sirou.						HOI COLL	colon bay	<u> </u>
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat Wetlands					XXXXXXX				
Slough			_		<u> </u>				
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool								- "	
Natural Pond									
Other Water (Identify Type)									
10	41 41		<u> </u>		<u> </u>				
Check appropriate boxes the estimate for size for non-july	at best des	cribe type o	of isolated,	non-navig	able, intra-	state water	present ar	nd best	
		aquatic res	source area		nown		ı.	f Unknown	
Migratory Bird Rule Factors ¹ :					IIOWII	lι		rofessional J	udament
				.,	1	Predicted		pected to	Not Able to Make
				Yes	No	to Occur	d	ccur	Determination
Is or would be used as habita	t for birds	protected b	у					_	_
Migratory Bird Treaties?									XXX
Is or would be used as habita	t by other	migrato r y b	irds that						
cross state lines?	4.6		10						XXX
Is or would be used as habita								-	XXX
Is used to irrigate crops sold								<u> </u>	XXX
1 Check appropriate boxes the				olicability o	of the Migra	tory Bird R	tule to appl	y to onsite, n	on-jurisdictional
isolated, non-navigable, intra	-state aqua	tic resourc	e area.						
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	xxxx	
navigation or interstate commerce	nerce conn								

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston					_				
FILE NUMBER:	D19013									
REGULATORY PROJECT MA	NAGER:	Johnson				_	Date:		10/30/2006	
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	Desk top At the Project	t Site			Date: Date:		10/30/2006	
PROJECT LOCATION INFORI State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Lati te/Property		-		:		Texas Harris 29° 59' 57' Spring Cre	"N, 95° 14' 35' eek	'W 70	
SITE CONDITIONS:								_		
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake				1						
River				1						
Stream				1						
Dry Wash										
Mud Flat							_			
Sand Flat							_			
Wetlands	XXXXXX									
Slough										
Prairie Pothole										
Wet Meadow										
Playa Lake										
Vernal Pool								_		
Natural Pond										
Other Water (Identify Type)										
1 Check appropriate boxes th					 able, intra-:	l state water	∣ ∵present aı	nd best		
estimate for size for non-ju	risdicticnal	aquatic res	source area							
Migratory Bird Rule Factors ¹ :	:			If Kr	nown	Ι ,	If Unknown Use Best Professional Judgment			
				Yes	No	Predicted	Not Ex	pected to	Not Able to Make	
				165	No	to Occur		Occur	Determination	
Is or would be used as habita	t for birds	protected b	У							
Migratory Bird Treaties?									XXX	
Is or would be used as habita	it by other r	nigratory b	irds that							
cross state lines?									XXX	
Is or would be used as habita									XXX	
Is used to irrigate crops sold	in interstat	e commerc	e?						XXX	
1 Check appropriate boxes th isolated, non-navigable, intra				licability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:	·			Prelimina	у	or	Approved	xxxx		
navigation or interstate comp			•	anhs): Wet	lands are i	solated wit	h no hydro	ological conn	ection or known	

nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston					_			
FILE NUMBER:	D18427					-			
REGULATORY PROJECT MAN	AGER:	Johnson					Date:	-	10/30/2006
PROJECT REVIEW/DETERMIN	NATION CO	MPI ETED	* Desk ton				Date:	10/26/2006	
TROUBOT REVIEW DETERMINE	17.11011 00	THE LETTER	At the Project	Site	YES		Date:		6/20/2006
			•						
PROJECT LOCATION INFORM	MATION:								
State:							Texas		
County:	.						Harris		
Center Coordinates of S					:		29° 35' 18	'N, 95° 01' 45'	<u>w</u>
Approximate Size of Sit		(including	Opianas &	in Acres):			Most Calu	eastan Bau	<u> </u>
Name of Waterway or W	ratersneu:						West Galv	esion bay	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands			XXXXXXX						
Slough	ļ								
Prairie Pothole			1						
Wet Meadow									
Playa Lake									
Vernal Pool Natural Pond	1							_	
			+						
Other Water (Identify Type)	-								
1 Check appropriate boxes tha	t host dosc	ribe type /	of isolated	non-navig	ahle intra-	state water	nresent a	nd host	
estimate for size for non-jur					ubio, ilitia-	state water	presenta	iu best	
Migratory Bird Rule Factors ¹ :					nown			f Unknown	
gratory Bira Haio Factoro .						ι	Jse Best P	rofessional J	udgment
				Yes	No	Predicted	Not Ex	pected to	Not Able to Make
				163	INO	to Occur		Occur	Determination
Is or would be used as habitat Migratory Bird Treaties?			•						XXX
ls or would be used as habitat	t by other n	nigratory b	pirds that						
cross state lines?									XXX
ls or would be used as habitat								_	XXX
Is used to irrigate crops sold i								<u> </u>	XXX
Check appropriate boxes that isolated, non-navigable, intra-		-		licability o	f the Migra	tory Bird R	ule to app	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	у	or	Approved	xxxx	
OPTIONAL ADDITIONAL INFO									

nexus to interstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-18650

REGULATORY PROJECT MANAGER: Hudson Date:30 Oct 06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 30 Oct 06

At the project Site: Y(Y/N) Date: 6 Juen \$ 22 Sept 06

PROJECT LOCATION INFORMATION:

State: County: <u>Texas</u> Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29 54.94N 95 13.80W

Approximate Size of Site/Property (Including Uplands & in Acres) Name of Waterway or Watershed

970 Acres Greens Bayou

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									
]									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

	If K	nown	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					Х			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce					Х			

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY X or APPROVED _

ADDITIONAL INFORMATION SUPPORTING NJD: is dolated wetlands had no known nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG (Galveston				_				
FILE NUMBER:	D-18718			$\mathfrak{I}_{\mathbb{N}}$		-				
REGULATORY PROJECT MA	NAGER:	Weit		u			Date:		30-Oct-06	
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	! In the office		Y		Date:	30-Oct-06		
				t Site			Date:	N/A		
					(- / /				_	
PROJECT LOCATION INFORI	MATION:						Texas			
County:							Galveston			
Center Coordinates of S	ite by Latit	ude & Lond	nitudinal Co	oordinates	:			N, 95 01' 35" \	W	
Approximate Size of Site					•			11, 00 01	151	
Name of Waterway or W		,		,,.			West Galv	eston Bav		
•										
SITE CONDITIONS:										
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River										
Stream										
Dry Wash										
Mud Flat										
Sand Flat										
Wetlands							Х			
Slough										
Prairie Pothole										
Wet Meadow	-									
Playa Lake Vernal Pool	-							-		
Natural Pond	 		<u></u>					-	-	
Other Water (Identify Type)										
Other Water (identity Type)										
	┥									
1 Check appropriate boxes th	at hest des	cribe type	of isolated	non-navio	able intra-	state wate	r nresent a	nd hest		
estimate for size for non-ju	risdictional	aguatic re	source are	a.	jubic, mira	olato mato	prodenta	200.		
Migratory Bird Rule Factors ¹ :					nown			If Unknown		
						(Jse Best P	rofessional J	udgment	
				Yes	No	Predicted	Not Ex	pected to	Not Able to Make	
				163	110	to Occur	(Occur	Determination	
Is or would be used as habita	it for birds	protected b	у							
Migratory Bird Treaties?			•			X				
Is or would be used as habita	it by other i	migratory b	irds that							
cross state lines?	 .			Х						
Is or would be used as habita					V		Х			
Is used to irrigate crops sold					X					
¹ Check appropriate boxes th isolated, non-navigable, intra				olicability o	of the Migra	itory Bird F	Rule to app	ly to onsite, r	ion-jurisdictional,	
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved			
	DHATION	CUDDOD	ING N ID /-				• •		eece notential	
OPTIONAL ADDITIONAL INFO	JAMALIUN	SUPPURI	1170 JAPH (6	.g., aiscus	Sion may if	iciuae into	rmation re	VIEWED TO ass	ess potential	

navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: **D-18718**; Jurisdictional Delineation Verification, 151 Acres Between Interstate 45 and FM 1764 in the City of Texas City, Galveston County, Texas

- 1. The total project site is approximately 151 acres. Located within the project boundaries are an undetermined amount of isolated wetlands. It appears if none of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:			_	CESWG-P 23926(01)						
REGULATORY PROJECT M	IANAGE	R:	_	John Wo	ng		Date:3	1 Oct 2006	-	
PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 31 Oct 06 At the project site Y (Y/N) Date: 23 Oct 06 PROJECT LOCATION INFORMATION:										
State: County: Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): Name of waterway or watershed: SITE CONDITIONS: Texas Willacy 26-33-04/97-25-25 3 acres Laguna Madre										
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown	
Lake									_	
River										
Stream									-	
Dry Wash										
Mudflat										
Sandflat										
Wetlands	X									
Slough										
Prairie pothole										
Wet meadow										
Playa lake										
Vernal pool										
Natural pond										
Other water (identify type)										
Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, non-	navigable, in	tra-state wat	er present an	d best estima	ate for size of	non-	

Migratory Bird Rule Factors¹:	If Known		If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?				X			
Is used to irrigate crops sold in interstate commerce?				X			
¹ Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	cability of th	ne Migrator	y Bird Rule to	apply to onsite, non-	jurisdictional, isolated,		

TYPE OF DETERMINATION:	Preliminary	Or	Approved _2
TYPE OF DETERMINATION:	Preliminary	Or	Approv

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-12863/3

REGULATORY PROJECT MANAGER:

John Davidson

Date:13 Nov. 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 13 November 2006

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas County: Harris

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

17 Acres

Name of Waterway or Watershed

Galveston Bay watershed

29-36-42.4602 N; 95-18-6.0093 W

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River									
Stream	_								
Dry Wash									
Mud Flat				_					
Sand Flat	_								1
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow				_					
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area

Migratory Bird Rule Factors ²	If Kı	nown	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			Х					
ls or would be used as habitat by other migratory birds that cross state lines?			Х					
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce				X				

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contained wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	า				_			
FILE NUMBER:	D11289/0	1				-			
REGULATORY PROJECT MA	NAGER:	Johnson				_	Date:		11/5/2006
PROJECT REVIEW/DETERMI	INATION C	OMPLETED	* Dock ton				Date:		
TROOLOT REVIEW/DETERMIN			· · · · · · · · · · · · · · · ·	t Site	YES		Date:	-	10/20/2006
			,		,				10/20/2000
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:							Liberty		
Center Coordinates of								"N, 94° 38' 59'	W
Approximate Size of Si			Uplands 8	k In Acres):			158 ac		
Name of Waterway or \	Watershed:						Blue Bayo	u	_
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat		_							
Sand Flat					1000000				
Wetlands					XXXXXXX				
Slough Prairie Pothole									
Wet Meadow	_	+							
Playa Lake		+		+	-				
Vernal Pool									
Natural Pond		+						 	
Other Water (Identify Type)									
other water (identity Type)									
_									
1 Check appropriate boxes th	at best des	cribe type	of isolated,	, non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-ju					·		•		
Migratory Bird Rule Factors ¹	:			If K	nown			lf Unknown	
						·	Jse Best P	rofessional J	
				Yes	No	Predicted	1	pected to	Not Able to Make
				1.50		to Occur	(Occur	Determination
Is or would be used as habita	at for birds	protected b	У						
Migratory Bird Treaties?	- A 1 A1		! 41 -4						XXX
Is or would be used as habita	at by otner	migratory b	iras that						V
cross state lines?	-4 6		:2						XXX
Is or would be used as habita	_			-				-	XXX
Is used to irrigate crops sold							_		XXX
Check appropriate boxes th isolated, non-navigable, intra		•		olicability o	of the Migrat	tory Bird R	ule to app	ly to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	гу	or	Approved	xxxx	
ORTIONAL ARRITORIAL TOTAL	ODM 6 TIO	euneee-	NO N 10 1			Alexandra 1			
OPTIONAL ADDITIONAL INFO			-		-				•

nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	<u> </u>				_					
FILE NUMBER:	D-18973	_				-					
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:		12/11/2006		
PROJECT REVIEW/DETERMI	NATION CO	OMPLETED	•		(Y/N)		Date:		12/11/2006		
			At the Project	t Site	NO		Date:				
PROJECT LOCATION INFOR	MATION:						Texas Harris				
Center Coordinates of	itude & Lon				*N 05° 06' 00'	14/					
Approximate Size of Si							29° 39' 59"N, 95° 06' 09"W				
Name of Waterway or V		opianas a	. III 740100 _/ .				rings Creek				
SITE CONDITIONS:	-	<u> </u>									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown		
Lake											
River											
Stream											
Dry Wash								_			
Mud Flat				ļ							
Sand Flat	WWW.										
Wetlands	XXXXXX							-			
Slough Prairie Pothole	+ -	 									
Wet Meadow	-	+									
Playa Lake	+	+	-	-		-		-			
Vernal Pool	 	 									
Natural Pond											
Other Water (Identify Type)											
1 Check appropriate boxes th	at best des	cribe type	of isolated.	non-navig	able, intra-	state water	present a	nd best			
estimate for size for non-ju					<u></u>		procent a				
Migratory Bird Rule Factors ¹ :		•			nown			f Unknown rofessional J	udament		
				Yes	No	Predicted to Occur	Not Ex	pected to Occur	Not Able to Make Determination		
Is or would be used as habita Migratory Bird Treaties?	t for birds	protected b	у						xx		
Is or would be used as habita	t by other	migratory b	irds that								
cross state lines?									XX		
Is or would be used as habita	t for endar	gered spec	ies?						XX		
Is used to irrigate crops sold	in intersta	te commerc	:e?						XXX		
¹ Check appropriate boxes th isolated, non-navigable, intra		•		olicability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,		
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	xx			
OPTIONAL ADDITIONAL INFO					sion may in	clude info	mation rev	viewed to ass	ess potential		
navigation or interstate common No known nexus to interstate common nexus t					ther waterwa	ay.					

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG	Galveston D	istrict			_				
FILE NUMBER:	D-17002/	(01)				_ _				
REGULATORY PROJECT MA	NAGER:	Weltknec	ht			_	Date:		11-Dec-06	
PROJECT REVIEW/DETERM	INATION C	OMPLETED			. Y N		Date:	-	11-Dec-06	
			At the Project	t Site		Date:				
PROJECT LOCATION INFOR State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W		:		Texas Fort Bend 29 32' 24" 22-Acres Lower Bra	N, 95 32' 48"	w				
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake	1		Mary Flatter of	1 Page State Page 1 and 2	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		<u>Bazar katalahasa la</u>	
River		 		_	· · · · · ·					
Stream	1			_						
Dry Wash					 			1		
Mud Flat	1									
Sand Flat										
Wetlands							i	ĺ	Х	
Slough										
Prairie Pothole										
Wet Meadow										
Playa Lake										
Vernal Pool										
Natural Pond									_	
Other Water (Identify Type)	_									
1 Check appropriate boxes th	at best des	cribe type o	of isolated.	non-navig	able, intra-	state water	present a	nd best		
estimate for size for non-jui	risdictional	aquatic res	ource area	3.						
Migratory Bird Rule Factors ¹ :					nown	u yalama		f Unknown rofessional J	udgment	
				Yes	No	Predicted to Occur	1 1 1 1 1 1 1 1 1 1 1 1	pected to Occur	Not Able to Make Determination	
ls or would be used as habita	t for birds	protected b	у							
Migratory Blrd Treatles?						X				
ls or would be used as habita	t by other	migratory b	irds that							
cross state lines?						X				
is or would be used as habita					x		Х			
is used to irrigate crops sold	I to irrigate crops sold in interstate commerce?									
Check appropriate boxes the isolated, non-navigable, intra-		•	• •	llcabillty o	f the Migra	tory Bird R	ule to app	ly to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	x		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or Interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

SUBJECT: **D-17002/(01)**; Jurisdictional Determination, Approximately 22.0 Acres, South of the Intersection of State Highway 6 and Oyster Creek Drive, City of Missouri City, Fort Bend County, Texas

- The total project site is approximately 22 acres. Located within the project boundaries are what appear to be an unknown amount of isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG	Galveston D	istrict			_				
FILE NUMBER:	D-19006					-				
REGULATORY PROJECT MA	NAGER:	Weitknec	ht			_	Date:	15-Dec-0		
PROJECT REVIEW/DETERM	INATION C	OMPLETED		t Site	Y N		Date: Date:		15-Dec-06	
PROJECT LOCATION INFORMATION State: County: Center Coordinates of State		:			d Chambers 08' 30" N, 94 30 er	8' 11" W 300				
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake		1								
River					-					
Stream										
Dry Wash										
Mud Flat		<u> </u>					_			
Sand Flat			<u> </u>			_				
Wetlands		 				_			x	
Slough	1	1	 					1		
Prairie Pothole		 				_				
Wet Meadow		1					·	-		
Playa Lake							-			
Vernal Pool										
Natural Pond				<u> </u>						
Other Water (Identify Type)										
1 Check appropriate boxes th	at best des	cribe type o	of isolated.	non-navig	able, intra-	state water	present a	nd best		
estimate for size for non-ju	risdictiona	aquatic res	source area	a.			P 1.000.110			
Migratory Bird Rule Factors ¹					nown		If Unknown Use Best Professional Judgment			
					T	Predicted		pected to	Not Able to Make	
				Yes	No	to Occur		Occur	Determination	
Is or would be used as habita Migratory Bird Treaties?	at for birds	protected b	y			х				
Is or would be used as habita	at by other	migratory h	irds that					 	_	
cross state lines?	at 27 Othor	g.u.o.y b	iras tilat			x				
Is or would be used as habita	at for endar	ngered spec	ies?			^	x	 		
Is used to irrigate crops sold					Х			 		
				liaab!!!A		Anni Pind 5				
Check appropriate boxes the isolated, non-navigable, intra				olicability o	tne Migra	tory Bira H	uie to app	ly to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:				Preliminar	ry	or	Approved	Yes		
OPTIONAL ADDITIONAL INFO	ORMATION	SUPPORTI	NG NJD (e	.g., discus	sion may in	clude info	rmation re	viewed to ass	ess potential	

navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

SUBJECT: **D-19006** & **Department of the Army Permit SWG-06-12-007**, Approximately 33-Mile Pipeline from Hull, Liberty County to Mont Belvieu, Chambers County, Texas

- 1. The proposed pipeline route is approximately 33-miles. Located within the project boundaries are what appear to be an unknown amount of isolated wetlands. Most of these wetlands extend off of the pipeline corridor. These wetlands will be temporarily impacted by the construction of a new pipeline.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. There are 31.47-acres of waters of the U.S. present within the pipeline corridor.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	_	<u>CESW</u> D-1915	G-PE-RCC	<u>:</u>						
REGULATORY PROJECT	MANAGE	R:	_	John Wong			Date: 28 Dec 2006			
PROJECT REVIEW/DETE			IPLETED		_	Y (Y/N) site _Y (Y/N		Dec 2006 Dec 2006		
State: County: Center coordinates Approximate size o										
Name of waterway	uaing upi	ands & in a	cres):		icres f <u>ish Bay</u>					
SITE CONDITIONS:										
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown	
Lake								1001		
River										
Stream										
Dry Wash										
Mudflat										
Sandflat										
Wetlands		X								
Slough										
Prairie pothole								-		
Wet meadow										
Playa lake										
Vernal pool									-	
Natural pond										
Other water (identify type)										
	-									
¹ Check appropriate boxes that b jurisdictional aquatic resource a		type of iso	olated, non	-navigable, ir	itra-state wa	ter present ar	d best estim	ate for size of	non-	
Migratory Bird Rule Factors ¹ :				If Knov	vn		If IIn	known		
				II INIO		He			ent	
				Ves No Predicte			Use Best Professional Judgment			

Migratory Bird Rule Factors1:	If K	nown	If Unknown					
			1	Use Best Professiona	l Judgment			
	Yes	No	Predicted	Not Expected to	Not Able To Make			
			to Occur	Occur	Determination			
Is or would be used as habitat for birds protected by			X		•			
Migratory Bird Treaties?								
Is or would be used as habitat by other migratory birds that			X		_			
cross state lines?								
Is or would be used as habitat for endangered species?				X				
Is used to irrigate crops sold in interstate commerce?				X				
¹Check appropriate boxes that best describe potential for appli	cability of t	he Migrator	y Bird Rule to	apply to onsite, non-	jurisdictional, isolated,			
non-navigable, intra-state aquatic resource area.								

TYPE OF DETERMINATION:

Preliminary	Or	Approved	X	
richillilary	OI.	Approved	Λ.	ı

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated by roads and railroad grade.